

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

STEELCASE, INC. a Michigan
corporation,

Plaintiff,

v.

Case No.: 1:04cv0026
Hon. Robert Holmes Bell
Chief, U. S. District Judge

HARBIN'S INC., an Alabama
corporation, MICHAEL G. HARBIN
and HOPE D. HARBIN PATTERSON,

Defendants.

MILLER, JOHNSON, SNELL &
CUMMISKEY, P. L. C.
Jon G. March (P17065)
Attorneys for Plaintiff
250 Monroe Avenue, N. W. - Suite 800
P. O. Box 306
Grand Rapids, MI 49501-0306
(616) 831-1700

SILVERMAN, SMITH, BINGEN & RICE,
P.C.
Robert W. Smith (P31192)
Attorneys for Defendant Michael G. Harbin
151 S. Rose Street
707 Comerica Building
Kalamazoo, MI 49007
(269) 381-2090

**AFFIDAVIT OF DEFENDANT MICHAEL G. HARBIN
IN SUPPORT OF MOTION FOR PROTECTIVE ORDER**

Michael G. Harbin deposes and says as follows:

1. I am one of the defendants in the above captioned case.
2. If called upon to testify I can testify truthfully and accurately as to all those matters contained herein.
3. I am the sole shareholder of Defendant Harbin's, Inc. ("Harbin's, Inc.")
4. On April 30, 2004, Harbin's, Inc. went out of business after a liquidation sale.

5. In about February of 2004, I stopped taking a paycheck from Harbin's, Inc. which was my sole source of income. Prior to 2004, I put most of my personal retirement funds into Harbin's, Inc. in an attempt to save it, all to no avail.

6. In May of 2004, I began working as a commissioned real estate sales person. I am an independent contractor and my only source of income is real estate sales commission earned from the sale of residential property and vacant land.

7. I have priced an airline ticket from Florida, where I now reside, to Kalamazoo, Michigan, at \$365 round trip.

8. I have priced two nights lodging at the Radisson Plaza Hotel, in Kalamazoo, Michigan, at \$267.

9. I will have additional travel expenses for traveling to and from the airport and meals.

10. Inasmuch as I am dependent solely on real estate sales commissions for my livelihood and I am relatively new to the Florida real estate market, it would be overly burdensome upon me to have to come up with cash out of my own pocket to pay the expense of having to travel to Kalamazoo, Michigan for my deposition.

11. Accordingly, I request this Court require that Plaintiff pay me in advance the sum of \$800 to cover my deposition travel expenses.

12. Further your affiant sayeth not.

Dated: January 4, 2005

/s/
Michael G. Harbin

STATE OF FLORIDA)
 >
WALTON COUNTY).

SUBSCRIBED and SWORN to before me, a Notary Public, on this ____ day of January, 2005, by Michael G. Harbin.

_____/s/_____
(signature)

(print/type name)

Walton County, Florida

My Commission Expires: 11/28/06
Acting in the County of Walton.